

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

Order Instituting Rulemaking to Promote Policy  
and Program Coordination and Integration in  
Electric Utility Resource Planning.

Rulemaking 04-04-003  
(Filed April 1, 2004)

Order Instituting Rulemaking to Promote  
Consistency in Methodology and Input  
Assumptions in Commission Applications of  
Short-run and Long-run Avoided Costs,  
Including Pricing for Qualifying Facilities.

Rulemaking 04-04-025  
(Filed April 22, 2004)

**ADMINISTRATIVE LAW JUDGE’S RULING ON MOTIONS  
FOR LEAVE TO FILE DOCUMENTS UNDER SEAL**

On August 31, 2005, Pacific Gas and Electric Company (PG&E) and Southern California Edison Company (SCE), otherwise referred to jointly as “the utilities,” filed separate motions requesting that the unredacted versions of reports concerning Qualifying Facility (QF) contracts be filed under seal and not made available for public inspection. At the same time, PG&E and SCE each provided the service list with a public version of the QF contract data, in which the utilities redacted certain information that specifies the expiration date and year for each individual contract.

PG&E and SCE state that information concerning the expiration dates of individual QF contracts constitutes market sensitive information whose confidentiality the Commission must maintain pursuant to Pub. Util. Code §§ 454.5(g) and 583. PG&E and SCE further state that this information, if made

public, would reveal to market participants important information regarding the utilities' net short positions.

We grant the request by PG&E and SCE to file the requested materials under seal. Consistent with the May 9, 2005, Administrative Law Judges' Ruling on Protective Order and Remaining Discovery Disputes (May 9 Ruling), information that would reveal the utility's residual net short position should remain confidential and should not be disclosed to market participants. If so requested, PG&E and SCE shall make the protected material available to Non-Market Participating Parties (as defined in the May 9 Ruling) under a mutually agreeable protective order, but may withhold the protected materials from market participating parties.

Good cause appearing, **IT IS RULED** that:

1. Pacific Gas and Electric Company's (PG&E's) Motion for Leave to File Confidential Material Under Seal is granted as set forth herein.
2. Southern California Edison Company's (SCE's) Motion for Confidential Treatment of Data Re Expiring QF Contracts is granted as set forth herein.
3. The confidential information is market sensitive in that disclosure of the expiration date of individual QF contracts would reveal important information related to PG&E's and SCE's residual net short positions
4. The confidential information will remain under seal for a period of two years from the date of this ruling. During this period, the information shall not be made accessible for disclosed to anyone other than (a) Commission staff; (b) other non-market participating parties who have executed a reasonable nondisclosure agreement; or (c) upon further order or ruling of the Commission, the Assigned Commissioner, the assigned Administrative Law Judge (ALJ) or the ALJ then-designated as Law and Motion Judge.

5. If PG&E or SCE believe that further protection of this information is needed after two years, one or more of them may file a motion stating the justification for further withholding the information from public inspections, or for other such relief as the Commission rules then provide. This motion must be filed no later than 30 days before the expiration of this ruling.

Dated September 19, 2005, at San Francisco, California.

/s/ Carol Brown  
Carol Brown  
Administrative Law Judge

/s/ Julie Halligan  
Julie Halligan  
Administrative Law Judge

**CERTIFICATE OF SERVICE**

I certify that I have by mail this day served a true copy of the original attached Administrative Law Judge's Ruling On Motions for Leave to File Documents Under Seal on all parties of record in this proceeding or their attorneys of record.

Dated September 19, 2005, at San Francisco, California.

/s/ Antonina V. Swansen  
Antonina V. Swansen

**N O T I C E**

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to insure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.

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If specialized accommodations for the disabled are needed, *e.g.*, sign language interpreters, those making the arrangements must call the Public Advisor at (415) 703-2074, TTY 1-866-836-7825 or (415) 703-5282 at least three working days in advance of the event.